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DIVISION OF ADMINISTRATIVE SERVICES

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

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In the Matter of)
)
Newspaper/Radio Cross Ownership) MM Docket No. 96-197
Waiver Policy)
)
To: The Commission

COMMENTS OF GANNETT CO., INC.

Gannett Co., Inc. ("Gannett"), by its attorneys and pursuant to Sections 1.415 and 1.419 of the Commission's rules, 47 C.F.R. §§ 1.415, 1.419, hereby submits these comments in response to the Notice of Inquiry issued by the Commission in the above-captioned proceeding.¹ Through its NOI, the Commission seeks comment regarding potential revisions to the rules governing waiver of the newspaper/radio cross ownership restriction, 47 C.F.R. § 73.355(d).

I. INTRODUCTION

Gannett is the parent company of fifteen (15) Commission licensees, which collectively hold licenses for sixteen (16) television stations and five (5) radio stations. Gannett also is the publisher of 92 daily newspapers throughout the United States, including USA Today. Only one of Gannett's newspapers is

¹ FCC 96-381 (released October 1, 1996) ("NOI").

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published in the same city served by a Gannett television or radio station, that through a temporary 6-month waiver of Section 73.3555(d) of the Commission's rules governing television/newspaper cross-ownership. As a newspaper publisher and broadcast station operator, Gannett is acutely aware of the competitive constraints the anachronistic newspaper/radio cross-ownership ban has placed on broadcasters and publishers attempting to compete against an ever-expanding array of new information providers.

II. DISCUSSION

Gannett is a member of the Newspaper Association of America ("NAA") and fully supports the positions advanced by NAA in its comments filed in this proceeding. As the NAA states, daily newspaper publishers and over-the-air broadcasters compete today "in a technologically advanced and highly diverse marketplace for information, opinion, entertainment and advertising that was unimaginable when the Commission determined, more than twenty years ago, to foreclose future newspaper/broadcast cross-ownership." Moreover, newspapers and broadcast station owners are virtually alone among the major information providers in facing an absolute governmental barrier to common ownership.

A. The Commission Should Initiate a Rulemaking Proceeding to Repeal the Newspaper/Radio Cross-Ownership Ban

Gannett reiterates, therefore, the NAA's plea that the Commission use this proceeding to begin the long-overdue process

of dismantling the newspaper/broadcast cross-ownership restrictions. The sole basis for the ban, a hoped-for gain in diversity, is no longer a compelling interest which justifies the significant competitive and commercial speech constraints on publishers and station owners that the rule imposes. The mass media marketplace of the late 1990s is nothing if not diverse, characterized by an abundance of competitive multichannel, multimedia outlets, including radio and broadcast television, cable, direct broadcast satellite, wireless cable, satellite master antenna television, and the Internet. Newspaper circulation has grown, and the variety and ability of newspapers to reach particular audience segments has increased dramatically over the past two decades. In addition, telco entry into video programming and open video systems may soon be the next evidence of how the technological revolution, not governmental action, has provided American consumers with the ability to access a chorus of independent and diverse media voices.

Complete repeal of the newspaper/radio cross-ownership ban would serve the public interest. As the NAA demonstrates, elimination of the newspaper/broadcast cross-ownership rule would help to increase overall diversity by enabling more troubled daily newspapers or stations to survive. Moreover, given the vast potential for operational synergies and economies of scale inherent in cross-media ownership, repeal of the rule would help to achieve the Commission's goal of increasing the quantity and improving the quality of news, public affairs and local programming on broadcast stations.

B. In the Interim, the Commission Should Adopt a Liberal Waiver Policy

In the interim, the Commission should institute liberal waiver policies consistent with those suggested by the NAA in its comments submitted in this proceeding. Specifically, the Commission should adopt a presumptive waiver standard based upon a simple and straightforward "minimum number of voices" test, without reference to the market's numerical ranking and without any arbitrary "cap" on market power.

In assessing the number of voices in a market, Gannett concurs with NAA's assertion that there is no need to create different standards for urban and suburban newspapers, or to "weight" broadcast stations based upon their signal strength. In fact, Gannett agrees that it would be inappropriate for the Commission to evaluate whether a particular speaker (e.g., any particular newspaper, radio or television station) carries more or less weight than another. In the same vein, Gannett believes that any analysis of diversity must include noncommercial stations as well as the non-broadcast media, including daily and weekly newspapers and cable system operators and programmers addressing local needs.

With respect to defining a geographic market for purposes of calculating the number of voices, Gannett concurs with NAA's conclusion that there is no legitimate reason to define the relevant geographic market for purposes of newspaper/radio cross ownership requests more narrowly than it is defined for purposes

of the radio contour overlap or one-to-a-market rules. Finally, Gannett supports granting waivers to serve failing stations or newspapers, or to preserve the status quo by extending grandfathering to new owners.

III. CONCLUSION

Gannett fully supports the comments submitted by the NAA in this proceeding, and urges the Commission to initiate rulemaking action to repeal the newspaper/radio cross ownership ban. Relief from this restriction will enable broadcasters and newspaper publishers to compete more effectively in today's highly diversified entertainment and information marketplace. In the interim, the Commission should adopt a strong presumptive waiver policy for newspaper/radio cross-ownership.

Respectfully submitted,

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